

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

RP. No. 1116 of 2006(F)

AGAINST THE JUDGEMENT/ORDER IN OP.7515/2002

Dated 14/06/2006
.....

REVIEW PETITIONER(ADDL.3RD RESPONDENT IN OP):

**O.P. ABOOBACKER,
KORAPPILAN HOUSE, MUTHERI, NILAMBUR R.S. P.O.,
NILAMBUR TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.R.RAJESH KORMATH

RESPONDENTS: (PETITIONER & RESPONDENTS 1 & 2 IN O.P):

- 1. THE PRESIDENT,
NILAMBUR GRAMINA KARSHIKA VYAPARA VIKASANA SOCIETY,
NILAMBUR, MALAPPURAM DISTRICT.**
- 2. THE SUPERINTENDENT OF POST OFFICES,
MANJERI DIVISION, MANJERI, MALAPPURAM DISTRICT.**
- 3. THE POST MASTER,
NILAMBUR SUB POST OFFICE, NILAMBUR,
MALAPPURAM DISTRICT.**

**BY ADV. SRI.K.M.SATHYANATHA MENON
SRI.JOHN VARGHESE, ASSISTANT SG**

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 28/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

KURIAN JOSEPH, J.

R. P. NO. 1116 OF 2006

IN

O.P. NO. 7515 OF 2002

Dated this the 28th day of September, 2007.

O R D E R

This is a petition to review the judgment dated 14.06.2006 in O.P. No. 7515/2002 at the instance of the additional third respondent in the writ petition.

2. One of the main grounds taken in the review petition is that no notice was served on the additional third respondent, which appears to be correct also. That apart despite several chances, there is no counter affidavit also in the review petition controverting the allegations regarding service of notice.

Since the writ petition happened to be allowed without notice to the actual affected party, namely the additional third respondent, it is only appropriate that the judgment is recalled and the writ petition is heard afresh, advertent to the contentions of the additional third respondent. Therefore, the review petition is allowed and the judgment dated 14.06.2006 in O.P. 7515/2002 is recalled.

KURIAN JOSEPH, JUDGE.

KURIAN JOSEPH, J.

R.P. NO. 1116 OF 2006

O R D E R

28.09.2007